

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.05 R, Closed Area 30-D, Northern Vinalhaven and vicinity, promulgated on October 6, 1999, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.05 R, Closed Area 30-D, Vinalhaven and vicinity.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of northern Vinalhaven and southern North Haven in the following (6) areas:

A. North of a line drawn from the southwestern most point of the unnamed cove east of Orchard Cove to the southern tip of Hopkins Point and continuing northeast to an unnamed point 2000 feet southeast of the southern tip of Zeke Point AND west of a line drawn north from the northern tip of Zeke Point to the Southern tip of Fish Point AND east of a line drawn from the most western point on Turnip Island to the most southern tip of Ames Point then continuing due south to a red painted post located on the shore on Vinalhaven.

B. East of a line drawn northeast from a red painted post located on an unnamed point approximately 3800 feet south of the southern tip of Zeke Point and continuing 1000 feet northeast to red painted post on an unnamed point on the opposite shore.

C. Inside of a line drawn south 2000 feet along the shore from the most northeastern tip of the unnamed point that forms the western shore of Seal Cove, Vinalhaven.

D. Inside and easterly of a line beginning at the western most end of Fish Head, Vinalhaven and continuing southwesterly along the low water line to the southern most tip of Browns Head.

E. North of a line drawn southeast across Crockett Cove from the small-unnamed point below Tiptoe Mountain to a red painted post on the small-unnamed point on the opposite shore.

F. South of a line that starts on the northwestern most tip of Dogfish Island and continues along the shore to the northeastern tip of the island and continues southeast to the most southwestern tip of the unnamed point on the north shore of Leadbetter Narrows and continuing southeast from the eastern tip of the same point to the most northeastern point on Leadbetter Island, AND north of a line beginning at the southernmost tip of Dogfish Island running southeasterly to the most northern tip of Leadbetter Island.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: February 12, 2001

AGENCY CONTACT PERSON: Amy M. Fitzpatrick
Department of Marine Resources
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COURIER GAZETTE
February 17, 2001

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.05 R, Closed Area 30-D, Northern Vinalhaven and Vicinity and replaces it with a new regulation. This new regulation reduces the size of Closed Area 30-D by opening a small portion of the shores of North Haven and Vinalhaven, to shellfish harvesting.

Department of Marine Resources personnel have surveyed the area and analysis of samples revealed that there is no longer a threat to public health from harvesting shellfish in this new open approved area. The remaining closed areas are subject to microbiological pollution. Consequently, harvest of shellfish in these closed areas is prohibited to protect the public health.



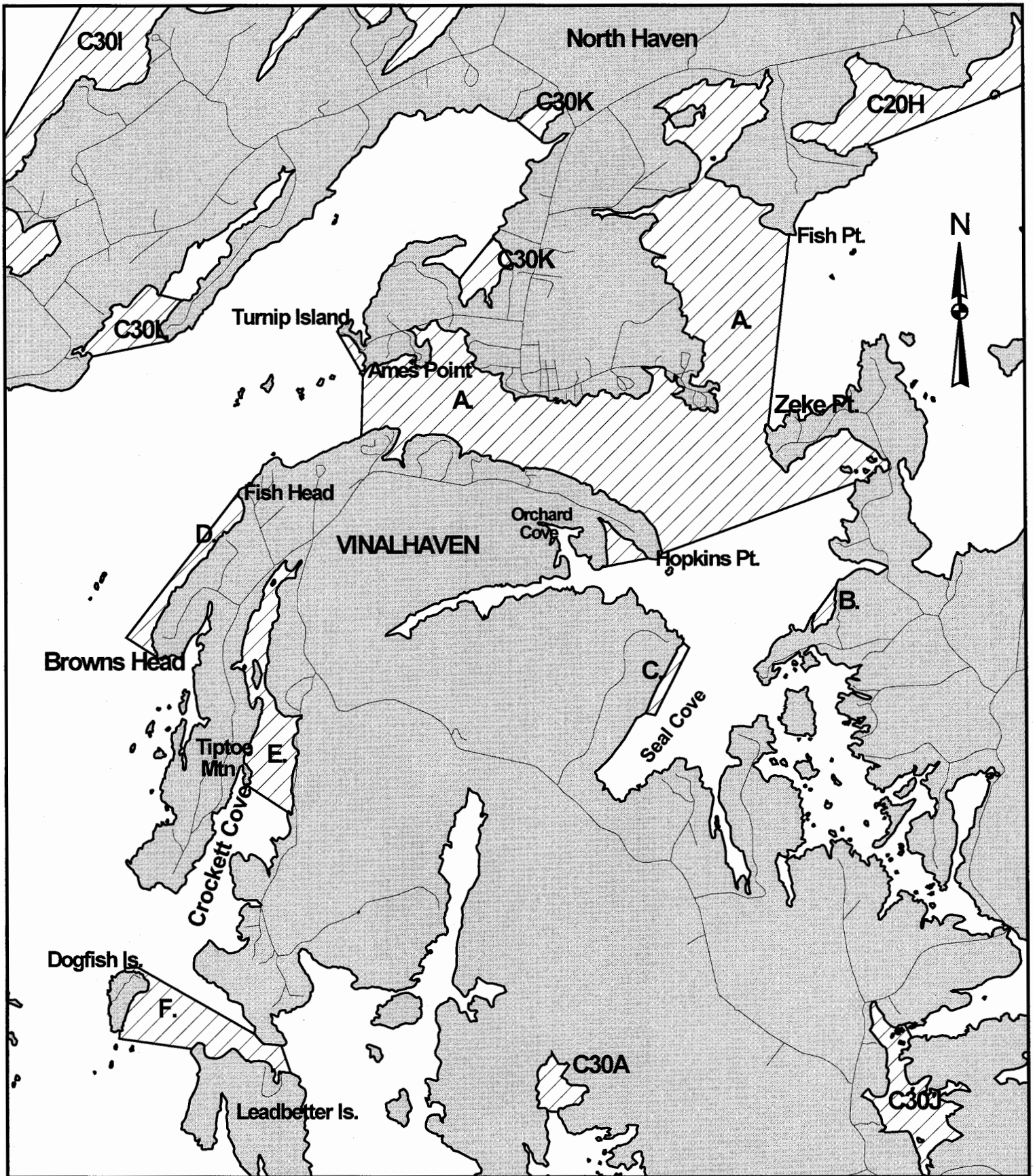
E. PENN ESTABROOK
DEPUTY COMMISSIONER



Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

For: **C30D Vinalhaven and Viscinity** 2/12/01



0.7 0 0.7 1.4 Miles